

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 14, 1957
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll Call:

Present: Councilmen Long, Pearson, White, Mayor Miller
Absent: Councilman Palmer

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by REV. DAVID COOPER, Messiah Lutheran Church, 1601 Ridgmont.

Councilman White moved that the Minutes of March 7, 1957, be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE FOLLOWING: (1) EAST ONE-HALF OF LOTS 1, 2 AND 3, BLOCK 9, FRUTH ADDITION, FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; AND (2) LOT 5, BLOCK 3, GREEN ACRES ADDITION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT

AND FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE AND HEIGHT AND AREA DESIGNATIONS FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON TWO TRACTS OF LAND FRONTING APPROXIMATELY 881 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF THE INTERREGIONAL HIGHWAY, SAME BEING BLOCK 13 OF THE H.A. & J.G. FITZHUGH SUBDIVISION OF THE R.A. RUTHERFORD LAND, LOCALLY KNOWN AS 7509-7703

INTERREGIONAL HIGHWAY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The Mayor announced that the ordinance had been finally passed.

MR. DAVID BARROW appeared before the Council and presented the following letter:

"March 13, 1957

"Honorable Mayor and City Council
Austin, Texas

"Gentlemen and Madam:

"This letter is to request that you authorize paving width of 20 feet instead of 30 feet and a cul de sac radius of 40 feet instead of 50 feet, in two streets in Balcones Park Section 8, for the following reasons:

"The City Planning Commission has now approved a variation in the street right of way width for these streets to 40 feet and it was naturally supposed by the writer and his engineer that this carried with it a reduction in the paving width to 20 feet. The reduction in the street width was warranted by the unusual topographic conditions in the particular part of Section 8 and, further, by the fact that one of the streets, Monte Vista Drive, where the variation extends 1,000 feet, is a remotely secondary street; and the other street, Mountain Top Circle, only serves four lots. Mountain Top Circle ends

in the cul de sac previously referred to. The water, sewer, gas and street grading have all been completed and we are today opening bids on the paving. The grading of the streets, the location of the water meters and the location of the gas lines have been completed to fit a 20 foot paving width and it would entail considerable additional expense and delay to regrade the streets and change the location of the water meters. Regrading the street in the case of Monte Vista Drive would entail cutting a mountain side 15 to 20 feet high a depth of 10 or 15 feet. The additional expense involved while it is material is not the primary reason for requesting this variation. The primary reason is that as an experienced subdivider--and I may say a reasonably successful one--it is my judgment that the narrower street and paving fits the topography and produces the best use of the land under the existing conditions.

"The City Engineering Department and the City Manager have raised the issue that the authorization for the decreased paving width can only be given by you.

"For your further information the final plat on this subdivision was filed and approved by the necessary Planning Commission and City authorities on November 16, 1956 showing the street variations outlined.

"I shall appear at your meeting to explain this request more in detail and shall be pleased to go with the Council to look at the situation on the ground if you consider this advisable.

"Sincerely yours,
(Sgd) David B. Barrow
David B. Barrow"

Mr. Barrow displayed maps and drawings of his paving problems. The Mayor stated the Council would go look over the problems on the ground.

Mr. Barrow made a suggestion concerning the subdivision ordinance, in that consideration be given to topographic conditions in instances that would apply to areas like Balcones Park.

The City Manager submitted the following:

"March 12, 1957

"S. Reuben Rountree, Jr.
Director of Public Works

W. T. Williams, Jr., City Manager

"Voluntary Paving Contract 57-V-10 - Koenig Lane

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, March 12, 1957, for the construction of Voluntary Paving Contract 57-V-10, Koenig Lane from east property line of Duval to west curb line of Airport Boulevard.

| | |
|----------------------------|-------------|
| "McKown & Sons | \$13,404.49 |
| Giesen & Latson Const. Co. | 14,260.04 |
| Lee Maners | 14,782.82 |
| C. H. Lester | 14,830.70 |
| Raymond Canion Const. Co. | 14,908.50 |
| Travis Construction Co. | 14,989.09 |

"City's Estimate

\$15,005.10

"I recommend that McKown & Sons with their low bid of \$13,404.49 be awarded the contract for this project."

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 12, 1957, for the construction of Voluntary Paving Contract 57-V-10, Koenig Lane from east property line of Duval to west curb line of Airport Boulevard; and,

WHEREAS, the bid of McKown & Sons in the sum of \$13,404.49 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of McKown & Sons in the sum of \$13,404.49 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with McKown & Sons.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller

Noes: None

Absent: Councilman Palmer

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located west of the Interregional Highway, east of San Marcos Street, north of Flores Street and south of Clermont Avenue, which property fronts 325.46 feet on the Interregional Highway, 275.0 feet on San Marcos Street, 191.0 feet on Flores Street and 18.11 feet on Clermont Avenue, being known as all of Lots 14 and 15, and portions of Lots 1, 2, 16 and 17, and a portion of a vacated alley, all being in Block E of Lambie's Resubdivision of Voss Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Gulf Oil Corporation to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the

City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said Gulf Oil Corporation has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"March 14, 1957

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Gulf Oil Corporation for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located west of the Interregional Highway, east of San Marcos Street, north of Flores Street and south of Clermont Avenue, which property fronts 325.46 feet on the Interregional Highway, 275.0 feet on San Marcos Street, 191.0 feet on Flores Street, and 18.11 feet on Clermont Avenue, being known as all of Lots 14 and 15, and portions of Lots 1, 2, 16 and 17, and a portion of a vacated alley, all being in Block E of Lambie's Resubdivision of Voss Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Gulf Oil Corporation. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as General Retail upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Gulf Oil Corporation be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used, and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction of the filling station improvements shall be in accordance with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2 - H - 1500.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - H - 1500 and shall be of the premoulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,
(Sgd) S. Reuben Rountree, Jr.
Director of Public Works
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The City Attorney made a report on the proposal of Central Freight Lines regarding right-of-way on St. Johns Avenue. After discussion, the Council suggested that the agreement be worked out as suggested and brought back to the Council for final decision.

Mayor Miller introduced the following ordinance:

• AN ORDINANCE APPOINTING ELECTION JUDGES AND CLERKS TO SERVE AT THE VARIOUS POLLING PLACES IN THE VARIOUS ELECTIONS TO BE HELD IN THE CITY OF AUSTIN DURING THE TERM OF TWO YEARS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller
Noes: None
Absent: Councilman Palmer

MR. ROBERT H. DeLANCEY, 1707 Holly, appeared before the Council, regarding his inability to get his son admitted to Erackenridge Hospital, and reporting an incident sometime back when his daughter's child had not been admitted. He stated the clinic card had been taken away. Mr. DeLancey had taken his 14 year old son to a private physician, and he was being cared for. The Mayor asked that the City Manager notify the Hospital to admit the baby, and care for it, and then determine who can pay for the care. The baby lived at 1902 Holly.

MR. M. H. CROCKETT reported flood waters on 19th and San Jacinto during the last rain. He stated he would getwith theDirector of Public Works.

There being no further business the Council adjourned at 11:30 A.M. subject to the call of the Mayor.

APPROVED

Tom Miller
Mayor

ATTEST:

Elain Hoosley
City Clerk